## REMARKS

Claims 32-39 and 41-47 are now pending for prosecution in this case.

***Objections to the Specification***

The Examiner has indicated that the specification must be amended to indicate the instant application is a divisional application of parent application Serial No. 09/109,207, now U.S. Patent No. 6,172,213.

***The Rejection under 35 U.S.C. § 112, Second Paragraph***

Claims 35-36 stand rejected under 35 U.S.C. §112, Second Paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Specifically, the Examiner has asserted that Claims 35 and 36 are nonsensical in that not all members of the indicated Markush groupings are antibodies.

In response, Applicants have amended Claims 35 and 36 to correct for the alleged ambiguity, and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, Second Paragraph.

***The Rejection under 35 U.S.C. § 112, Second Paragraph***

Claims 37, 41 and 46 stand rejected under 35 U.S.C. §112 Second Paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Specifically, the Examiner has asserted that Claims 37 and 41 duplicated Claim 32 and that Claim 46 needed the term "antibody" to characterize the antecedent of the Markush grouping.

In response, Applicants have revised Claim 32 to specify the subclaim elements as members of a Markush group, whereby dependent Claims 37 and 41 claim particular members of this Markush group. Applicants have further amended Claim 46 in the manner recommended by the Examiner. Reconsideration and withdrawal of the rejection of Claims 37, 41 and 46 under 35 U.S.C. §112, Second Paragraph is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Applicants believe that this application is now in condition for immediate allowance and respectfully request that the outstanding objections and rejections be withdrawn and this case passed to issue.

The Examiner is invited to contact the undersigned at (650) 225-1489 in order to expedite the resolution of any remaining issues.

Respectfully submitted,
GENENTECH, INC.

By: _____
Craig G. Svoboda
Reg. No. 39,044

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

**In the specification:**

The title at page 1, line 6 has been amended as follows:

COMPOSITIONS OF ANTI-IGE ANTIBODIES ~~AND METHOD OF IMPROVING POLYPEPTIDES~~

The paragraph at page 1, lines 10-13 has been amended as follows:

### CROSS-REFERENCE TO RELATED APPLICATIONS

This is a divisional application of co-pending application Serial No. 09/109,207, filed on June 30, 1998, now U.S. patent No. 6,172,213 which was a non-provisional application filed under 37 CFR 1.53(b), claiming priority under USC Section 119(e) to Provisional Application Serial No. 60/051,554, filed July 2, 1997.

**In the claims:**

Claims 32-39, 41 and 46 have been amended as follows:

32. (Twice Amended). A composition of an improved anti-IgE antibody or IgE binding fragment thereof in combination with an adjunct immunosuppressive agent, wherein the improved anti-IgE antibody or IgE binding fragment thereof comprises:

(a) the heavy and light chains of E26 (SEQ ID NOs:15-16);

(b) the heavy and light chains of E27 (SEQ ID NOs:17-18); ~~and~~or

(c) antigen binding fragments of (a) or (b).

33. (Twice Amended). The composition of Claim 32, wherein the immunosuppressive agent is selected from the group consisting of azathioprine, cyclophosphamide, bromocryptine and glutaraldehyde.

34. (Twice Amended). The composition of Claim 32, wherein the immunosuppressive agent is a glucocorticosteroid

35. (Twice Amended). The composition of Claim 32, wherein the immunosuppressive agent is ~~an antibody~~ selected from the group consisting of: cyclosporin A; anti-CD3; anti-CD4 and anti-CD4a.

36. (Twice Amended). The composition of Claim 32, wherein the immunosuppressive agent is ~~an antibody~~ selected from the group consisting of: a soluble peptide containing an LFA-3 binding domain; streptokinase; TGF-β; streptodornase; deoxyspergualin; rapamycin and T-cell receptor.

37. (Amended). The composition of Claim 32, wherein the improved anti-IgE antibody comprises the heavy and light chain sequences of ~~e26~~E26 (SEQ ID NOs:15-16).

38. (Amended). The composition of Claim 32, wherein the improved IgE binding fragment comprises an E26 sequence selected from the group consisting of: an Fab fragment (SEQ ID NOs:19-20; an sFv fragment (SEQ ID NO:22) and an $F(ab')_2$ fragment (SEQ ID NOs: 24-25).

39. (Amended). The composition of Claim 32, wherein the improved IgE binding fragment comprises an E27 sequence selected from the group consisting of: an Fab fragment (SEQ ID NOs: 19 and 21); an sFv fragment (SEQ ID NO:23) and an $F(ab')_2$ fragment (SEQ ID NOs: 24 and 26).

41. (Amended). The composition of Claim 32, wherein the improved anti-IgE antibody comprises the heavy and light chains of E27 (SEQ ID NOs: 17-18).

46. (Amended). The composition of Claim 45, wherein the immunosuppressive agent is an antibody selected from the group consisting of: anti-interferon-γ, anti-interferon-β, or anti-interferon-α; anti-tumor necrosis factor-α, anti-tumor necrosis factor-β, anti-interleukin-2, anti-IL-2 receptor antibody and anti-L3T4.